

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6693**

**BILL NUMBER:** SB 145

**NOTE PREPARED:** Feb 21, 2006

**BILL AMENDED:** Feb 21, 2006

**SUBJECT:** Vehicle Forfeiture and Driving While Intoxicated.

**FIRST AUTHOR:** Sen. Young R Michael

**FIRST SPONSOR:** Rep. Duncan

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

*Forfeiture Permitted:* The bill permits the forfeiture of a motor vehicle operated by a person who has at least two prior unrelated convictions in the previous five years for operating while intoxicated if the person commits operating a motor vehicle while intoxicated or operating a motor vehicle with a suspended driver's license. The bill provides that a motor vehicle that is not owned by the person or the spouse of the person who unlawfully operated it may not be seized unless the owner knew that the vehicle would be unlawfully operated.

*Registration Prohibition:* The bill prohibits the Bureau of Motor Vehicles (BMV) from registering a motor vehicle in the name of a person whose motor vehicle has been forfeited until the person proves that the person possesses a current driving license.

*Probationary Driving Privileges:* This bill provides that when a court grants probationary driving privileges to certain persons, the order must include the requirement that for six months the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device.

*Certified Phlebotomist:* The bill provides that a certified phlebotomist may obtain a bodily substance sample under certain circumstances.

*Accident:* This bill provides that for purposes of the duties of a driver, owner, and passengers of a vehicle after a vehicle accident, an accident does not require proof of a collision between a driver's vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person.

*Chemical Test:* The bill amends the definition of chemical test for determining the presence of alcohol or a drug.

*Penalty Provision:* This bill revises penalties for the failure to submit to a portable breath test or a chemical test

**Effective Date:** (Amended) July 1, 2006.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) *Forfeiture Permitted:* Vehicles forfeited and seized by law enforcement agencies under this provision can be used by the particular agency that seized the vehicle and then can be sold at auction. The proceeds are deposited in the Common School Fund.

*Penalty Provision:* A person who refuses to submit to a portable breath test commits a Class C infraction under current law. However, the person commits a Class A infraction if the person has at least one previous conviction for operating while intoxicated.

If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500, and \$10,000 for a Class A infraction. Infraction judgments are deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) *Penalty Provision:* A person who refuses to submit to a portable breath test commits a Class C infraction under current law. However, the person commits a Class A infraction if the person has at least one previous conviction for operating while intoxicated.

If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

See also *Explanation of State Revenues*.

**State Agencies Affected:** State Police; Conservation, Excise, and Gaming Officers.

**Local Agencies Affected:** Law Enforcement agencies. Trial courts, local law enforcement agencies. Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** James Sperlik, 317-232-9866.